

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA    )  
                                  )  
                  v.                ) CRIMINAL NO. 05-10213-NMG  
                                  )  
GEORGE MEDINA                 )

DEFENDANT'S MOTION TO REVOKE DETENTION ORDER

Defendant, George Medina, moves, pursuant to 18 U.S.C. § 3142, that the District Court revoke the order detaining him. As grounds for this motion, defendant states that changed circumstances justify releasing Mr. Medina on appropriate conditions, as previously proffered.

The changed circumstances are that on August 17, 2006, this Court allowed Mr. Medina's motion to suppress. That motion - suppressing the ammunition described in the indictment, as well as all statements made by Mr. Medina -- guts the government's case.

Defendant submits that the allowance of the suppression order as well as evidence adduced at the suppression hearing tip the balance in favor of release. First, the weight of the (admissible) evidence is now nil. See 18 U.S.C. § 3142(g)(2). Second, the evidence at the suppression hearing - casts severe doubt on the officers credibility.

Mr. Medina has been detained since September 21, 2005. Assuming the government promptly receives approval for an appeal, the appeal process could take another six to nine months. It

simply would be unfair and unnecessary to detain him throughout the appeal. Moreover, based on the fact that the Court's decision allowing Mr. Medina's motion to suppress rests in large part on a finding that the officers were less than candid in their testimony lessens the Government's prospects on appeal.

Defendant therefore submits that there are conditions that would reasonably assure that he will appear in court as required and that will reasonably assure the safety of the community.

REQUEST FOR HEARING

Defendant requests a hearing on this motion.

GEORGE MEDINA  
By his attorney,

Stylianus Sinnis  
B.B.O. # 560148  
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CERTIFICATE OF SERVICE

I, Stylianus Sinnis, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 17, 2006.

/s/Stylianus Sinnis  
Stylianus Sinnis